

**SENATE JOURNAL
65TH LEGISLATURE
SEVENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
April 13, 2017

Senate Chambers
State Capitol

Senate convened at 8:30 a.m. President Sales presiding. Invocation by Senator Sands. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/13/2017

Correctly printed: **SR 62, SR 67, SJ 31, HB 5, HB 46, HB 142, HB 387, HB 442, HB 473, HB 562, HB 565, HB 572, HB 585, HB 595, HB 597, HB 599, HB 614, HB 618, HB 623, HB 633, HB 639, HB 644, HB 648, HB 653.**

Correctly engrossed: **HB 107, HB 110, HB 434, HB 612.**

Examined by the sponsor and found to be correct: **SB 227, SB 307, SR 3, SR 13, SR 18, SR 20, SR 21, SR 43, SR 44, SR 59, SR 60, SR 61, SR 65.**

Transmitted to the House: **SJ 28, SJ 29, HB 6, HB 7, HB 9, HB 11, HB 344, HB 390, HB 550, HB 622, HB 652.**

Signed by the President at 3:30 p.m., April 12, 2017: **SB 43, SB 44, SB 45, SB 46, SB 93, SB 99, SB 116, SB 117, SB 118, SB 144, SB 158, SB 163, SB 175, SR 6, SR 54, SR 55, SR 56.**

Signed by the Secretary of the Senate at 3:45 p.m., April 12, 2017: **SR 6, SR 54, SR 55, SR 56.**

Signed by the Secretary of the Senate at 4:00 p.m., April 12, 2017: **SB 43, SB 44, SB 45, SB 46, SB 93, SB 99, SB 116, SB 117, SB 118, SB 144, SB 158, SB 163, SB 175.**

Signed by the President at 7:47 a.m., April 13, 2017: **SB 176, SB 200, SB 207, SB 213, SB 216, SB 240, SB 242, SB 260, SB 270, SB 274, SB 284, SB 286, SB 291, SB 292.**

Signed by the Secretary of the Senate at 7:47 a.m., April 13, 2017: **SB 176, SB 200, SB 207, SB 213, SB 216, SB 240, SB 242, SB 260, SB 270, SB 274, SB 284, SB 286, SB 291, SB 292.**

Delivered to the Secretary of State at 11:53 a.m., April 13, 2017: **SR 6, SR 54, SR 55, SR 56.**

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/12/2017

HB 37, introduced by J. Windy Boy

HB 44, introduced by J. Essmann

HB 99, introduced by Z. Brown

HB 100, introduced by B. Bennett

HB 185, introduced by S. Morigeau

HB 255, introduced by B. Tschida

HB 333, introduced by F. Garner

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HB 348, introduced by P. Webb
HB 373, introduced by B. Grubbs
HB 381, introduced by D. Lenz
HB 405, introduced by R. Cook
HB 407, introduced by A. Hertz
HB 424, introduced by Z. Brown
HB 426, introduced by J. Price
HB 449, introduced by W. Galt
HB 533, introduced by V. Court

SB 294 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 294**: 4/12/2017

Representative Ballance, Vice Chair
Representative Funk
Representative Tschida

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 67, introduced by K. Regier, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 31, introduced by M. McNally, referred to Energy and Telecommunications.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 66 - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 66**. Resolution was adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips,

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Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 565 - Senator Moore moved **HB 565** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Barrett, Fielder, Malek, Tempel, Vance, Vuckovich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Howard.

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Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 25 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 40

Nays: Brown, Hinebauch, Howard, Jones, Keenan, Osmundson, Regier, Vance, Vincent, Mr.President.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 127, as amended by the Governor, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: Brown, Lang.

Total 2

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

SB 155, as amended by the Governor, passed as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Mr.President.

Total 36

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Gross, MacDonald, McClafferty, McNally, Pomnichowski, Salomon, Sands, Wolken.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 29, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 241, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal,

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Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 49

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 299, as amended by the House, passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 34

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Wolken.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 315, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: None.

Total 0

SB 344, as amended by the House, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 48

Nays: Fielder, Smith C.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 5 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.
Total 44

Nays: Brown, Kary, Regier, Smith C, Vance, Webb.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 133 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Whitford, Wolken.

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Total 36

Nays: Blasdel, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Olszewski, Regier, Smith C, Vance, Webb, Welborn, Mr.President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 142 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 32

Nays: Blasdel, Brown, Fitzpatrick, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Mr.President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 387 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn, Whitford, Wolken, Mr.President.

Total 43

Nays: Hinebauch, Hinkle, Howard, Kary, Keenan, Vance, Webb.

Total 7

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

HB 434 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.

Total 38

Nays: Boland, Caferro, Gross, MacDonald, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Whitford, Wolken.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 562 concurred in as follows:

Yeas: Blasdel, Brown, Buttrey, Caferro, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Sesso, Small, Smith C, Swandal, Thomas, Vance, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 28

Nays: Ankney, Barrett, Boland, Cohenour, Connell, Facey, Gross, Hoven, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Smith F, Tempel, Vincent, Vuckovich.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 572 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Howard, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.

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Total 30

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Jones, Kary, Moore, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 585 concurred in as follows:

Yeas: Ankney, Blasdel, Buttrey, Caferro, Connell, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Jones, Kary, Lang, Malek, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Webb, Welborn, Wolken.
Total 31

Nays: Barrett, Boland, Brown, Cohenour, Facey, Fielder, Gross, Hinkle, Keenan, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Sands, Vincent, Vuckovich, Whitford, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 595 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.
Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.
Total 20

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 599 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 31

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Welborn, Whitford, Wolken.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 600 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 45

Nays: Brown, Hinebauch, Regier, Smith C, Mr.President.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 614 concurred in as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle,

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Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 36

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Tempel.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 618 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Small, Smith F, Thomas, Vuckovich, Webb, Welborn, Whitford.

Total 34

Nays: Brown, Caferro, Fitzpatrick, Hinebauch, Hinkle, Howard, Regier, Salomon, Sesso, Smith C, Swandal, Tempel, Vance, Vincent, Wolken, Mr.President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 623 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 633 failed as follows:

Yeas: Ankney, Blasdel, Buttrey, Connell, Gauthier, Hinebauch, Hoven, Howard, Jones, Keenan, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Welborn.

Total 23

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Fielder, Fitzpatrick, Gross, Hinkle, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Sands, Sesso, Smith C, Vance, Webb, Whitford, Wolken, Mr.President.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 639 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 648 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

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Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 49

Nays: Mr.President.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 653 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 145, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 280, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr. President.

Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 650 - Senator Osmundson moved **HB 650** be concurred in.

HB 650 - Senator Osmundson moved **HB 650**, second reading copy, be amended as follows:

1. Page 22, line 28 through line 30.

Strike: "THE LEGISLATURE" on line 28 through "ELIMINATED." on line 30

2. Page 22, line 30.

Following: "CONTROL"

Insert: ", in conjunction with the department of corrections,"

Strike: "OTHER"

3. Page 24, line 21.

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Strike: subsection (2) in its entirety

Insert: "(2)[Sections 3, 7, 11, 19, and 22] are effective January 1, 2018."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 650 - Senator Osmundson moved **HB 650**, second reading copy, be further amended as follows:

1. Page 21, line 27 through line 30.

Strike: subsection (22) in its entirety

Insert: "(22) (a) The amount collected based on the manufacturer's suggested retail price in subsections (2) and (7) is exempt from the provisions of 15-1-122 and must be deposited in the account established in [section 4].

(b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of justice must deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current fiscal year appropriation for the account established in [section 4]."

Renumber: subsequent sections

2. Page 23.

Following: line 3

Insert: "NEW SECTION. **Section 23. Appropriation of state special revenue funds.** For the fiscal year beginning July 1, 2018, any appropriation to the department of justice of state special revenue funds from the highway state special revenue fund as previously authorized pursuant to 60-3-201 and House Bill No. 2 must be paid from the accounts established in [sections 4 and 5], including appropriations to the motor vehicle division, information technology services division, and the central services division."

Renumber: subsequent sections

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3. Page 24.

Following: line 8

Insert: "COORDINATION SECTION. Section 27. Coordination instruction. If House Bill No. 473 and [this act] are passed and approved, [section 1 of House Bill No. 473] must be amended as follows:

"NEW SECTION. Section 1. Highway restricted account. (1) There is a highway restricted account in the state special revenue fund provided for in 17-2-102. All interest and income earned on the account must, in accordance with the provisions of 17-2-124, be deposited to the credit of the account and any unexpended balance in the account must remain in the account.

(2) Subject to subsection (4) and 15-70-403(2), all revenue sources provided for in Article VIII, section 6, of the Montana constitution must be deposited in the account, including but not limited to:

- (a) all taxes collected under this chapter except as provided in 15-70-403(2)(b);
- (b) taxes collected for improperly imported fuel as provided in 15-70-419;
- (c) fees collected for temporary special fuel permits as provided in 15-70-456; and
- (d) GVW license fees as provided in 61-10-225 and 61-10-226.

(3) Except as provided in subsection (5), the money in the account is restricted and may be used only for the purpose of providing funding:

- (a) for statutory refunds and adjustments;
- (b) for debt service on highway revenue bonds;
- (c) to the department for distribution to local governments as provided in 15-70-101;
- (d) to the department for railroad grade crossing protection as provided in 15-70-102;
- ~~(e) to the department of justice for expenses of the highway patrol as provided in 44-1-~~

501;

~~(f)~~(e) until June 30, 2018, to the department of justice for expenses of the motor vehicle division;

- ~~(g)~~(f) for gasoline tax allocations as provided in 60-3-201;
- ~~(h)~~(g) to the department for administration of the motor carrier services functions;
- ~~(i)~~(h) to the department for the highways in this state selected and designated by the transportation commission provided for in 2-15-2502;
- ~~(j)~~(i) to the department for the collection of fuel taxes;
- ~~(k)~~(j) for driver education, which may not exceed \$10,000; and
- ~~(l)~~(k) for tourist promotion, which may not exceed \$10,000.

(4) (a) The portion of money collected from all revenue sources provided for in Article VIII, section 6, of the Montana constitution on hand at any time that is needed to pay highway bonds and interest on highway bonds when due and to accumulate and maintain a reserve for payment of highway bonds and interest, as provided in laws and in resolutions of the state board of examiners authorizing the bonds, must be deposited in the highway bond account in the debt service fund established by 17-2-102.

(b) The department is authorized to maintain a suspense account for gasoline and special fuel tax refunds and adjustments.

(5) The money in the account may be appropriated for purposes other than those listed in subsection (3) by a three-fifths vote of the members of each house of the legislature."

"COORDINATION SECTION. Section 28. Coordination instruction. If House Bill No.

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473 and [this act] are passed and approved:

(1) the reference to 15-70-403(2)(b) in [section 2(1) of House Bill No. 473] must be changed to "15-70-403(2)(c) and (3)(c)"; and

(2) the reference to 15-70-403(2)(b) in [section 1(2)(a) of House Bill No. 473] must be changed to "15-70-403(2)(b), (2)(c), (3)(b), and (3)(c)."

Insert: "COORDINATION SECTION. Section 29. Coordination instruction. If House bill No. 473 and [this act] are passed and approved, the reference to 15-70-403(2)(b)(i) in [section 5(3) of House Bill No. 473] must be changed to "15-70-403(2)(c)".

Insert: "COORDINATION SECTION. Section 30. Coordination instruction. If House Bill No. 473 and [this act] are passed and approved and if both contain a section that amends 15-70-403, then the sections amending 15-70-403 are void and 15-70-403 must be amended as follows:

" **15-70-403. Gasoline and special fuel tax -- incidence -- rates.** (1) The incidence of the fuel tax is on the distributor for the privilege of engaging in and carrying on business in this state. Each distributor shall pay to the department of transportation a tax in an amount equal to:

(a) ~~27 cents~~ for each gallon of gasoline distributed by the distributor within the state and upon which the gasoline tax has not been paid by any other distributor;

(i) 31.5 cents in fiscal years 2018 and 2019;

(ii) 32 cents in fiscal years 2020 and 2021;

(iii) 32.5 cents in fiscal year 2022; and

(iv) 33 cents in fiscal year 2023 and thereafter;

(b) ~~27 3/4 cents~~ for each gallon of special fuel distributed by the distributor within the state and on which the special fuel tax has not been paid by any other distributor;

(i) 29.25 cents in fiscal years 2018 and 2019;

(ii) 29.45 cents in fiscal years 2020 and 2021;

(iii) 29.55 cents in fiscal year 2022; and

(iv) 29.75 cents in fiscal year 2023 and thereafter; and

(c) 4 cents for each gallon of aviation fuel, other than fuel sold to the federal defense fuel supply center, which is allocated to the department as provided by 67-1-301.

(2) The gasoline tax provided for in subsection (1)(a) must be deposited as follows:

(a) the revenue from 23 cents of the tax less the allocations provided for in 60-3-201(1)(a) through (1)(d) to the highway restricted account provided for in [section 1 of House Bill No. 473];

(b) the revenue from 4 cents of the tax less the allocations provided for in 60-3-201(1)(a) through (1)(d) to the highway patrol administration state special revenue account established in [section 5 of House Bill No. 650]; and

(c) the remaining revenue from the tax less the allocations provided for in 60-3-201(1)(a) through (1)(d) to the bridge and road safety and accountability restricted account provided for in [section 2 of House Bill No. 473].

(3) The special fuel tax provided for in subsection (1)(b) must be deposited as follows:

(a) the revenue from 23 3/4 cents of the tax to the highway restricted account provided for in [section 1 of House Bill No. 473];

(b) the revenue from 4 cents of the tax to the highway patrol administration state special revenue account established in [section 5 of House Bill No. 650]; and

(c) the remaining revenue from the tax to the bridge and road safety and accountability

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restricted account provided for in [section 2 of House Bill No. 473].

~~(2)~~(4) Gasoline or special fuel may not be included in the measure of the distributor's tax if it is sold for export unless the distributor is not licensed and is not paying the tax to the state where the fuel is destined.

~~(3)~~(5) Special fuel may not be included in the measure of the distributor's tax if it is dyed by injector at a refinery or terminal for off-highway use.

~~(4)~~(6) When no Montana fuel tax has been paid by a distributor or any other person, the department shall collect or cause to be collected from the owners or operators of motor vehicles operating on the public roads and highways of this state a tax equal to the tax rate provided for in subsection (1)(a) for gasoline and subsection (1)(b) for dyed or undyed special fuel. The tax must be paid for each gallon of gasoline or special fuel as defined in this part, or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test sold or used to produce motor power to operate motor vehicles on the public roads and highways of this state.

~~(5)~~(7) The tax may not be imposed on dyed special fuel delivered into the fuel supply tank of a vehicle that is equipped with a feed delivery box if:

(a) the feed delivery box is permanently affixed to the vehicle;

(b) the vehicle is used exclusively for the feeding of livestock; and

(c) the gross vehicle weight of the vehicle, exclusive of any towed units, is greater than 12,000 pounds.

~~(6)~~(8) All special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test sold or used in motor vehicles, motorized equipment, and the internal combustion of any engines, including stationary engines, and used in connection with any work performed under any contracts pertaining to the construction, reconstruction, or improvement of a highway or street and its appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political subdivisions, must be undyed fuel on which Montana fuel tax has been paid.

~~(7)~~(9) Material used for construction, reconstruction, or improvement in connection with work performed under a contract as provided in subsection ~~(6)~~(8) must be produced using fuel on which Montana fuel tax has been paid."

Insert: "COORDINATION SECTION. Section 31. Coordination instruction. If House bill No. 473 and [this act] are passed and approved, the reference to 15-70-403(5) in [section 9(2) of House Bill No. 473] must be changed to "15-70-403(6)"."

Insert: "COORDINATION SECTION. Section 32. Coordination instruction. If House Bill No. 473 and [this act] are passed and approved and if both include a section that amends 44-1-501, then [section 14 of House Bill No. 473], amending 44-1-501, is void."

Insert: "COORDINATION SECTION. Section 33. Coordination instruction. If House Bill No. 473 and [this act] are passed and approved and if both contain a section that amends 60-3-201, then the sections amending 60-3-201 are void and 60-3-201 must be amended as follows:

"60-3-201. Distribution and use of proceeds of gasoline tax. (1) ~~All money~~ Money received in payment of the gasoline tax under 15-70-403, except those amounts paid out of the department's suspense account for gasoline tax refund, must be deposited as provided in 15-70-403(2) and (3) and used and expended as provided in [sections 1 and 2 of House Bill No. 473] and this section. ~~The portion of that money on hand at any time that is needed to pay highway bonds and interest on highway bonds when due and to accumulate and maintain a~~

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~~reserve for payment of highway bonds and interest, as provided in laws and in resolutions of the state board of examiners authorizing the bonds, must be deposited in the highway bond account in the debt service fund established by 17-2-102. After deductions for amounts paid out of the suspense account for gasoline tax refunds, the remainder of the gasoline tax collected under 15-70-403 is allocated as follows:~~

- ~~(a) 9/10 of 1% to the state park account;~~
- ~~(b) 15/28 of 1% to a snowmobile account in the state special revenue fund;~~
- ~~(c) 1/8 of 1% to an off-highway vehicle account in the state special revenue fund;~~
- ~~(d) 1/25 of 1% to the aeronautics revenue fund of the department under the provisions of 67-1-301; and~~
- ~~(e) the remaining amount:
 - ~~(i) for use by the department on the highways in this state selected and designated by the commission;~~
 - ~~(ii) for collection of the fuel taxes; and~~
 - ~~(iii) for the enforcement of the Montana highway code under Article VIII, section 6, of the constitution of this state as provided for in [sections 1 and 2 of House Bill No. 473].~~~~

~~(2) The department shall, in expending this money, carry forward construction from year to year, using the money expended in accordance with this title. Nothing in this title conflicts with Title 23 of the United States Code and the rules by which it is administered.~~

~~(3) The department may enter into cooperative agreements with the national park service and the federal highway administration for the purpose of maintaining national park approach roads in Montana.~~

~~(4) Money credited to the state park account in the state special revenue fund may be used only for the creation, improvement, and maintenance of state parks where motorboating is allowed. The legislature finds that of all the fuel sold in the state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 9/10 of 1% is used for propelling boats on waterways of this state.~~

~~(5) (a) Money credited to the snowmobile account may be used only to develop and maintain facilities open to the general public at no admission cost, to promote snowmobile safety, for enforcement purposes, and for the control of noxious weeds.~~

~~(b) Of the amounts deposited in the snowmobile account:~~

~~(i) 13% of the amount deposited must be used by the department of fish, wildlife, and parks to promote snowmobile safety and education and to enforce snowmobile laws. Two-thirds of the 13% deposited must be used to promote snowmobile safety and education and one-third of the 13% deposited must be used for the enforcement of snowmobile laws.~~

~~(ii) 1% of the amount deposited must be credited to the noxious weed management special revenue fund provided for in 80-7-816.~~

~~(c) The legislature finds that of all fuels sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 15/28 of 1% is used for propelling registered snowmobiles in this state.~~

~~(6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only to develop and maintain facilities open to the general public at no admission cost, to repair areas that are damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to 10% of the money deposited in the off-highway vehicle account may be used to repair areas that are damaged by off-highway vehicles.~~

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(b) The legislature finds that of all fuel sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 1/8 of 1% is used for propelling off-highway vehicles in this state.

(7) Money credited to the aeronautics account of the department of transportation may be used only to develop, improve, and maintain facilities open to the public at no admission cost and to promote aviation safety. The legislature finds that of all the fuel sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 1/25 of 1% is used for propelling aircraft in this state."

Insert: "COORDINATION SECTION. Section 34. Coordination instruction. If House Bill No. 473 and [this act] are passed and approved, then [section 3(2) of House Bill No. 650] must read "(2) a 6.6% administrative fee to be deposited in the state special revenue account provided for in [section 1 of House Bill No. 473]"."

Insert: "COORDINATION SECTION. Section 35. Coordination instruction. If House Bill No. 473 and [this act] are passed and approved, the reference to 15-70-403(8) and 60-3-201(1)(e) in [section 5(2) of this act] must read "15-70-403(2)(b) and (2)(c)"."

Insert: "COORDINATION SECTION. Section 36. Coordination instruction. If both Senate Bill No. 59 and [this act] are passed and approved and [this act] includes language that eliminates the position of executive director of the board of crime control, then [section 3(1)(f) of Senate Bill No. 59] is void and [section 3(1)(d) of Senate Bill No. 59] must read as follows:

(d) two employees of the department of corrections selected by the director, one of whom must have expertise in data collection and reporting;"

Renumber: subsequent sections

4. Page 24, line 19.

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "and (3)"

5. Page 24.

Following: line 21

Insert: "(3) [Section 36] and this section are effective on passage and approval."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 50

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 650 - Senator Hoven moved **HB 650**, second reading copy, be further amended as follows:

1. Title, page 1, line 8.

Strike: "REPEALING THE BOOT CAMP INCARCERATION PROGRAM;"

2. Title, page 1, line 17.

Strike: "46-18-201, 53-1-202,"

3. Title, page 1, line 18 through line 19.

Strike: "REPEALING" on line 18 through "MCA;" on line 19

4. Page 7, line 24 through page 11, line 14.

Strike: section 12 through section 13 in their entirety

ReNUMBER: subsequent sections

5. Page 23, line 5 through line 9.

Strike: section 23 in its entirety

ReNUMBER: subsequent sections

6. Page 24, line 10.

Strike: "22"

Insert: "20"

7. Page 24, line 21.

Strike: "19"

Insert: "17"

Amendment **not adopted** as follows:

Yeas: Blasdel, Boland, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, McClafferty, Olszewski, Phillips, Pomnichowski, Regier, Smith F, Swandal, Tempel, Vuckovich, Webb, Whitford.

Total 23

Nays: Ankney, Barrett, Brown, Buttrey, Cohenour, Gross, Jones, Kary, Keenan, Lang, MacDonald, Malek, McNally, Moore, Osmundson, Richmond, Salomon, Sands, Sesso, Small, Smith C, Thomas, Vance, Vincent, Welborn, Wolken, Mr.President.

Total 27

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 650 - Bill, as amended, concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.

Total 34

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Keenan, Lang, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 473 - Senator Ankney moved **HB 473** be concurred in.

HB 473 - Senator Moore moved **HB 473**, second reading copy, be amended as follows:

1. Page 3, line 5.

Strike: "\$12.5"

Insert: "\$13.2"

2. Page 3, line 6.

Strike: "35% OR \$9.8"

Insert: "48.5% or \$9.75"

3. Page 10, line 25.

Following: "cents"

Insert: "30 cents"

4. Page 10, line 26 through line 30.

Strike: "·" on line 26 through "THEREAFTER" on line 30

5. Page 11, line 1.

Following: "cents"

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Insert: "29 1/4 cents"

6. Page 11, line 2 through line 6.

Strike: ":" on line 2 through "THEREAFTER" on line 6

7. Page 23, line 3.

Strike: "\$12.5"

Insert: "\$13.2"

Strike: "\$9.8"

Insert: "\$9.75"

Amendment **not adopted** as follows:

Yeas: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr. President.

Total 22

Nays: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 473 - Senator Howard moved **HB 473**, second reading copy, be amended as follows:

1. Title, page 1, line 15.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 10, line 27.

Following: "2019;"

Insert: "and"

3. Page 10, line 29 through line 30.

Strike: subsection (III) through subsection (IV) in their entirety

4. Page 11, line 3.

Following: "2019;"

Insert: "and"

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5. Page 11, line 4.

Following: "2021;"

Insert: "and"

6. Page 11, line 5 through line 6.

Strike: subsection (III) through subsection (IV) in their entirety

7. Page 23.

Following: line 19

Insert: "NEW SECTION. Section 29. Termination. [This act] terminates June 30, 2021."

Amendment **not adopted** as follows:

Yeas: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.

Total 21

Nays: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 473 - Thereupon, the Senate reverted to the original motion of Senator Ankney which passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.

Total 28

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 22

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

HB 46 - Senator Swandal moved **HB 46** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Vuckovich, Welborn, Whitford, Wolken.

Total 25

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Thomas, Vance, Vincent, Webb, Mr.President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Malek excused at this time.

HB 46 - Senator Thomas moved **HB 46** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 28

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gross, Hoven, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.

Total 21

Absent or not voting: None.

Total 0

Excused: Malek.

Total 1

Senator Malek present at this time.

Senator R. Webb excused at this time.

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HB 442 - Senator McNally moved **HB 442** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gauthier, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vincent, Vuckovich, Whitford, Wolken.

Total 25

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Welborn, Mr.President.

Total 24

Absent or not voting: None.

Total 0

Excused: Webb.

Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Welborn, Whitford, Wolken.

Total 40

Nays: Blasdel, Gross, Keenan, Moore, Olszewski, Regier, Smith C, Smith F, Mr.President.

Total 9

Absent or not voting: None.

Total 0

Excused: Webb.

Total 1

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair):

4/13/2017

HB 638, be amended as follows:

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1. Title, page 1, line 5.

Following: "DISABILITY"

Insert: "AND AGING"

2. Title, page 1, line 6.

Following: "WAGES;"

Insert: "AUTHORIZING A FUND TRANSFER FROM THE OLDER MONTANANS TRUST
FUND TO THE DIRECT CARE WORKER WAGES ACCOUNT; AMENDING SECTION
52-3-115, MCA;"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 1, line 14.

Strike: "\$6,605,652"

Insert: "\$5,277,977"

4. Page 1, line 15.

Strike: "\$3,433,333"

Insert: "\$2,789,240"

Strike: "general"

Insert: "state special revenue"

5. Page 1, line 16.

Strike: "\$13,211,304"

Insert: "\$12,326,129"

6. Page 1, line 17.

Strike: "\$6,866,666"

Insert: "\$6,526,928"

Strike: "general"

Insert: "state special revenue"

7. Page 1, line 18 through line 19.

Strike: "and related" on line 18 through "payments" on line 19

8. Page 1, line 24 through line 25.

Strike: "and" on line 24 through "benefits" on line 25

9. Page 1, line 25.

Strike: "\$1.25"

Insert: "75 cents"

10. Page 1, line 26.

Strike: "\$1.25"

Insert: "75 cents"

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11. Page 1, line 28.

Strike: "\$1.25"

Insert: "75 cents"

12. Page 1.

Following: line 29

Insert: "(5) The appropriation in this section is intended to increase medicaid services and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates. The appropriation in this section may not be used to provide wages to program managers, administrative staff, management staff, schedulers, nurse supervisors, licensed practical nurses, registered nurses, or case managers."

Renumber: subsequent subsections

13. Page 2, line 2.

Insert: "NEW SECTION. Section 2. Appropriation for direct care worker wages. (1) The following amounts are appropriated to the department of public health and human services for the biennium beginning July 1, 2017, for a rate increase for home and community-based services waiver direct care workers and for community services personal care assistants to be administered by the senior and long-term care division for elderly and physically disabled individuals, to be phased in and used as provided in this section:

Fiscal Year 2018	\$808,268	federal special revenue
	\$427,144	state special revenue fund

Fiscal Year 2019	\$1,211,568	federal special revenue
	\$641,549	state special revenue fund

(2) Providers may use the appropriation to increase wages only for workers who:

- (a) provide direct care;
- (b) are employed in community services; and
- (c) are not state employees.

(3) The department shall use the appropriation starting on:

- (a) July 1, 2017, to increase wages by at least \$1.50 an hour per employee; and
- (b) July 1, 2018, to increase wages by at least \$2.25 an hour per employee.

(4) The appropriation in this section is intended to increase medicaid services and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates. The appropriation in this section may not be used to provide wages to program managers, administrative staff, management staff, schedulers, nurse supervisors, licensed practical nurses, registered nurses, or case managers.

(5) The legislature intends that the appropriation in this section be considered a part of the ongoing base for the next legislative session."

Insert: "NEW SECTION. Section 3. Direct care worker wage account. (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the direct care worker wage account.

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(2) There must be deposited in the account money received from fund transfers provided by [sections 4 and 5].

(3) The money in the account must be used to fund the state special revenue appropriations in [sections 1 and 2]."

Insert: "NEW SECTION. Section 4. Contingent fund transfer to direct care worker wage account. (1) For the fiscal year ending June 30, 2017, if the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2017 is more than the estimated state general fund revenue in House Joint Resolution No. 2 for the same fiscal year, then the state treasurer shall transfer the amount of general fund revenue that exceeds the revenue estimate from the general fund to the direct care worker wage account provided in [section 3], not to exceed \$2,789,240. The state treasurer shall make the transfer by August 1, 2017, and before the transfer in section 14(4) of Senate Bill No. 367.

(2) For the fiscal year ending June 30, 2018, if the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2018 is more than the estimated state general fund revenue in House Joint Resolution No. 2 for the same fiscal year, then the state treasurer shall transfer the amount of general fund revenue that exceeds the revenue estimate from the general fund to the direct care worker wage account provided in [section 3], not to exceed \$6,526,928. The state treasurer shall make the transfer by August 1, 2018, and before the transfer in section 14(4) of Senate Bill No. 367.

(3) For the purpose of this section, certified unaudited general fund revenue and transfers into the general fund are those recorded in the statewide accounting, budgeting, and human resource system using generally accepted accounting principles in accordance with 17-1-102 and include transfers into the general fund."

Insert: "NEW SECTION. Section 5. Transfer of funds to direct care worker wage account. By July 1, 2017, the state treasurer shall transfer \$1,068,693 from the older Montanans trust fund, provided for in 52-3-115, to the direct care worker wage account provided in [section 3] for the biennium beginning July 1, 2017."

Insert: "Section 6. Section 52-3-115, MCA, is amended to read:

"52-3-115. Older Montanans trust fund. (1) There is an older Montanans trust fund within the permanent fund type. The trust fund is subject to legislative appropriation as provided in this section.

(2) The money in the fund may be used to ~~create new, innovative services or to expand fund~~ existing services for the benefit of Montana residents 60 years of age or older that will enable those Montanans to live an independent lifestyle in the least restrictive setting and will promote the dignity of and respect for those Montanans. The interest and income produced by the trust fund and appropriated to the department by the legislature is intended to increase services referred to in this subsection and not to supplant other sources of revenue for those programs in the trended traditional level, as used in 53-6-1201, of appropriations for those services.

(3) The department may accept contributions and gifts for the trust fund in money or other forms, and when accepted, the contributions and gifts must be deposited in the trust fund.

(4) Interest and income earned on money in the trust fund must be retained within the fund except as provided in this section. ~~Until the year 2015, if assets in the fund reach the following amounts, money~~ Money may be appropriated by the legislature and used in the ~~following amounts~~ for the programs specified in ~~subsection (2)-[section 2]~~.

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~~_____ (a) When the fund balance reaches \$20 million, 50% of the interest earned may be appropriated.~~

~~_____ (b) When the fund balance reaches \$50 million, 60% of the interest earned may be appropriated.~~

~~_____ (c) When the fund balance reaches \$100 million, 80% of the interest earned may be appropriated.~~

~~_____ (5) On and after January 1, 2015, 90% of the interest earned on the trust fund may be appropriated for the programs specified in subsection (2).~~

~~_____ (6)(5) The department shall provide to the legislature a biennial report of the expenditures of the money appropriated from the older Montanans trust fund as provided in 5-11-210."~~

Insert: "COORDINATION SECTION. Section 7. Coordination instruction. If Senate Bill No. 367 and [this act] are both passed and approved and if Senate Bill No. 261 is not passed and approved, then [section 1 of Senate Bill No. 367] is amended to include the following definition:

"(4) "Excess revenues" means the amount of general fund revenue that exceeds the revenue estimate established pursuant to 5-5-227 minus the amount of the general fund transfer provided for in [section 4 of House Bill No. 638]."

Insert: "COORDINATION SECTION. Section 8. Coordination instruction. If Senate Bill No. 261, Senate Bill No. 367, and [this act] are passed and approved, then [section 1 of Senate Bill No. 367] is amended to include the following definition:

"(4) "Excess revenues" means the amount of general fund revenue that exceeds the revenue estimate established pursuant to 5-5-227 plus the amount of the general fund transfer provided for in [section 4 of House Bill No. 638]."

Renumber: subsequent section

14. Page 2, line 4.

Following: line 3

Insert: "NEW SECTION. Section 10. Termination. [Sections 3 and 6] terminate June 30, 2019."

And, as amended, be concurred in.

Without objection, committee report was adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **Senate Bill 64**

Report No. 001, April 13, 2017

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 64** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

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And, recommend that **Senate Bill 64** (reference copy -- salmon) be amended as follows:

1. Page 15, line 21.

Following: "PLACEMENT IN"

Insert: ": (i) a secure facility designated by the department for up to 9 months; or
(ii)"

Following: "PROGRAM"

Insert: "designated by the department"

2. Page 18, line 4.

Strike: "30"

Insert: "60"

3. Page 19, line 11.

Strike: "January 1, 2018"

Insert: "July 1, 2017"

For the Senate:

Fielder, Chair
Swandal
Wolken

For the House:

Brodehl, Vice Chair
Dudik
Holmlund

FREE CONFERENCE COMMITTEE
on **Senate Bill 294**
Report No. 001, April 13, 2017

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 294** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 294** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.

Following: "RANGE;"

Insert: "APPROPRIATING FUNDS TO IMPLEMENT PAY REVISIONS; PROVIDING FOR
TRANSFERS;"

2. Title, page 1, line 12.

Following: "2-18-1204,"

Insert: "10-4-301,"

3. Title, page 1, line 13.

Following: "DATE"

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Insert: "AND A TERMINATION DATE"

4. Page 3, line 7.

Following: "competency"

Insert: "documented"

5. Page 5, line 25.

Strike: "outside of the parameters of"

Insert: "that exceeds"

6. Page 6.

Following: line 2

Insert: "(7) The agencies listed in subsection (6) shall provide required budget information on personal services, and pay increases above the occupational wage range for these agencies are not required to be included in the executive budget in accordance with Title 17, chapter 7, part 1."

Renumber: subsequent subsections

7. Page 7, line 29.

Strike: "January 15, 2016"

Insert: "February 15, 2018"

8. Page 7, line 30.

Strike: "50 cents an hour"

Insert: "1%"

9. Page 8, line 1.

Strike: "January 15, 2017"

Insert: "February 15, 2019"

10. Page 8, line 1 through line 2.

Strike: "50 cents an hour"

Insert: "1%"

11. Page 10.

Following: line 5

Insert: "**Section 9.** Section 10-4-301, MCA, is amended to read:

"**10-4-301. Establishment of emergency telecommunications accounts.** (1) There are established in the state special revenue fund in the state treasury:

(a) an account for all fees collected for basic 9-1-1 services pursuant to 10-4-201(1)(a);

(b) an account for all fees collected for enhanced 9-1-1 services pursuant to

10-4-201(1)(b); and

(c) an account for all fees collected for wireless enhanced 9-1-1 services pursuant to 10-4-201(1)(c). The money is allocated as follows:

(i) 50% of the account must be deposited in an account for distribution to the 9-1-1

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jurisdictions; and

(ii) 50% of the account must be deposited in an account for distribution to wireless providers.

(2) Money in the account provided for in subsection (1)(c)(ii), including interest earned from the investment of money in the account, is subject to legislative fund transfers.

~~(2)~~(3) All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account. An amount equal to 2.74% of the money received pursuant to 10-4-201 must be deposited in an account in the state special revenue fund to be used for the administration of this chapter. Any remaining funds at the end of a fiscal year must be equally distributed to each of the four accounts provided for in subsection (1).

~~(3)~~(4) The accounts established in subsection (1) retain interest earned from the investment of money in the accounts.

~~(4)~~(5) After payment of refunds pursuant to 10-4-205, the balance of the respective accounts must be used for the purposes described in part 1 of this chapter.

~~(5)~~(6) The distribution of funds in the 9-1-1 emergency telecommunications accounts described in subsection (1), as required by 10-4-302, 10-4-311, and 10-4-313, is statutorily appropriated, as provided in 17-7-502, to the department.

~~(6)~~(7) Expenditures for actual and necessary expenses required for the efficient administration of the plan must be made from appropriations made for that purpose."

Renumber: subsequent sections

12. Page 11.

Following: line 12

Insert: "NEW SECTION. Section 12. Appropriations. (1) The following money for the indicated fiscal years is appropriated from the following sources to the listed agencies to implement the adjustments provided in 2-18-303:

Fiscal Year 2018

	General Fund	State Special	Federal Special	Proprietary
Legislative Branch	35,180	6,210		
Consumer Counsel		2,256		
Judicial Branch	84,299	2,880	83	
Executive Branch	1,064,196	908,447	600,410	20,127
Montana University System	1,142,646	253	12,228	1,022

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Total	2,326,321	920,045	612,721	21,149
Fiscal Year 2019				
	General Fund	State Special	Federal Special	Proprietary
Legislative Branch	124,184	21,919		
Consumer Counsel		7,963		
Judicial Branch	297,576	10,165	292	
Executive Branch	3,756,611	3,206,816	2,119,447	71,047
Montana University System	3,493,577	892	43,166	3,608
Total	7,671,948	3,247,754	2,162,905	74,655

(2) The following money is appropriated for the biennium beginning July 1, 2017, to the office of budget and program planning from the designated state fund, to be distributed to agencies when personnel vacancies do not occur, retirement costs exceed agency resources, or other contingencies arise:

General Fund	\$1,000,000
State Special Revenue	\$300,000
Federal Special Revenue	\$100,000
Proprietary Funds	\$25,000

(3) For the biennium beginning July 1, 2017, there is appropriated \$75,000 from the general fund to the department of administration for a labor-management training initiative." **Insert: "NEW SECTION. Section 13. Montana university system voluntary retirement incentive program.** For the biennium beginning July 1, 2017, the sum of \$2,000,000 in general fund is appropriated to the Montana university system to fund a retirement incentive program effort for qualified employees. The program design for the funds may include payment of health and prescription drug plan benefits, termination pay such as cashing out statutorily required benefits, or additional buyout incentives. Any funds in the program will remain in the program's fund balance, and applications will be considered until the funds are exhausted." **Insert: "NEW SECTION. Section 14. Appropriations.** (1) In the fiscal year beginning July 1, 2017, there is appropriated \$5,739 to the legislative branch to implement the provisions of Senate Bill No. 240.

(2) In the fiscal year beginning July 1, 2018, there is appropriated \$11,478 to the legislative branch to implement the provisions of Senate Bill No. 240."

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Insert: "NEW SECTION. Section 15. Appropriations. The following money for the indicated fiscal years is appropriated from the following sources to the executive branch for the sheriffs' retirement system costs:

Fiscal Year	General Fund	State Special	Federal Special	Proprietary
Fiscal Year 2018	67,703	22,201	4,463	7,750
Total Fiscal Year 2019	67,703	22,201	4,463	7,750

"

Insert: "NEW SECTION. Section 16. Appropriations. (1) In the fiscal year beginning July 1, 2017, there is appropriated \$44,901 to the legislative branch to implement the provisions of Senate Bill No. 279.

(2) In the fiscal year beginning July 1, 2018, there is appropriated \$42,101 to the legislative branch to implement the provisions of Senate Bill No. 279."

Insert: "NEW SECTION. Section 17. Fund transfer. By August 15, 2017, the state treasurer shall transfer \$2 million from the wireless 911 state special revenue account provided for in 10-4-301(1)(c)(ii) to the general fund."

Insert: "COORDINATION SECTION. Section 18. Coordination instruction. (1) If Senate Bill No. 240 is not passed and approved, [section 14] is void.

(2) If House Bill No. 383 is not passed and approved, [section 15] is void.

(3) If Senate Bill No. 279 is not passed and approved, [section 16] is void."

Insert: "NEW SECTION. Section 19. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

13. Page 11.

Following: line 14

Insert: "NEW SECTION. Section 21. Termination. [Section 9] terminates June 30, 2019."

For the Senate:

Fitzpatrick, Chair
Buttrey
Facey

For the House:

Ballance, Vice Chair
Funk
Tschida

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MOTIONS

Senator Cohenour moved the Senate reconsider its action of the previous day on **HB 631** and place **HB 631** on third reading this legislative day. Motion failed as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Whitford, Wolken.
Total 24

Nays: Ankney, Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Moore, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Swandal, Thomas, Vance, Vincent, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: Webb.
Total 1

Senator Hinkle moved that **HB 193** be taken from the Energy and Telecommunications Committee and placed on second reading the next legislative day. Motion failed as follows:

Yeas: Barrett, Blasdel, Boland, Caferro, Cohenour, Facey, Fielder, Gross, Hinkle, Howard, Keenan, MacDonald, Malek, McNally, Moore, Olszewski, Phillips, Pomnichowski, Sands, Smith F, Thomas, Vincent, Whitford, Wolken.
Total 24

Nays: Ankney, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinebauch, Hoven, Jones, Kary, Lang, McClafferty, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Vance, Vuckovich, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: Webb.
Total 1

Senator Webb present at this time.

Senator Blasdel moved that **HB 430** be taken from the Public Health, Welfare, and Safety Committee and placed on second reading the next legislative day. Motion failed as follows:

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Yeas: Ankney, Barrett, Blasdel, Boland, Gross, Kary, MacDonald, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Thomas, Webb, Wolken.
Total 17

Nays: Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, Malek, McClafferty, Moore, Olszewski, Osmundson, Salomon, Small, Smith C, Smith F, Swandal, Tempel, Vance, Vincent, Vuckovich, Welborn, Whitford, Mr.President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Small moved that **HB 602** be taken from the Taxation Committee and placed on second reading the next legislative day. Motion failed as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Whitford, Wolken.
Total 25

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Osmundson, Smith C, Tempel, Vance, Vincent, Webb, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Blasdel thanked the Pages for their service this past week.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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HB 442 failed as follows:

Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vincent, Vuckovich, Webb, Whitford, Wolken.
Total 25

Nays: Blasdel, Brown, Buttrey, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Salomon, Smith C, Swandal, Tempel, Thomas, Vance, Welborn, Mr.President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 473 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.
Total 28

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Moore, Olszewski, Osmundson, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 565 concurred in as follows:

Yeas: Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vincent, Vuckovich, Welborn, Wolken, Mr.President.
Total 37

Nays: Ankney, Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Smith C, Swandal, Tempel,

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Vance, Webb, Whitford.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 650 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Whitford, Wolken.

Total 31

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Keenan, Lang, Regier, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Welborn, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Whitford moved to change her third-reading vote on **HB 565** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, April 18, 2017, the seventy-ninth legislative day. Motion carried.

Senate adjourned at 10:57 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate